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January 22, 2020

VIA ECF

The Honorable Joel Schneider
United States Magistrate Judge
District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101
[856-757-5446](#)
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Re: *In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation, U.S. District Court for the District of New Jersey; Case No. 1:19-md-02875-RBK-JS*

Dear Judge Schneider:

I write to provide an update and in response to Mr. Slater's communication regarding the direct filing order. As you may recall on the teleconference with the Court on January 15th, we briefly discussed the potential for presenting to the Court a proposed direct filing order applicable to the Losartan and Irbesartan. During that conversation I stated I would poll the defendants to determine if there were any objections and, assuming no objections, I would circulate a proposed draft to plaintiffs. Upon discussion with the larger defense group, including new defendants who were not involved in the litigation when the Valsartan direct filing order was negotiated (CMO #3), it was determined that we do not have consent or consensus from all the current defendants as to direct filing. Given that such an order impacts broader jurisdictional issues and due process rights, the defendants do not agree this is just a simple administrative step.

Despite what is represented in plaintiffs' letter filed today, Mr. Slater and I communicated on Sunday the 19th, again on Monday the 20th (a holiday), and then yesterday, followed by a phone call to discuss the status. Mr. Slater declined my offer to schedule a meet-and-confer call with defendants who have not consented to direct filing. Similarly, he was not inclined to discuss it on the executive committees' meet-and-confer call held today regarding the broader issues in the litigation.

As Mr. Slater and I discussed, the defendants have been working diligently and plan to provide a redline version that attempts to harmonize the various parties' positions no later than this Friday, with the intention that it be included as an agenda item for next Tuesday's scheduled Case Management Conferences.

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We thank you for your time and careful consideration of this issue.

Respectfully,

/s/ Victoria Davis Lockard
Victoria Davis Lockard, Esq.
*Attorney for Teva Pharmaceuticals USA,
Inc., Teva Pharmaceutical Industries Ltd.,
Actavis LLC, and Actavis Pharma, Inc.*

Enclosures

cc: Jessica Priselac, Esq. (*via email, for distribution to Defendants' Counsel*)
Seth A. Goldberg, Esq. (*via email*)
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Sarah E. Johnston, Esq. (*via email*)
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